

December 7, 2023

BY ECF

The Honorable Rachel P. Kovner
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Almeida*, 21 Cr. 613 (RPK)

Your Honor:

We write on behalf of both parties concerning the government's motion for a so-ordered subpoena to serve on the Miami Dade Regional Juvenile Justice Center (the Motion). The parties have reached an agreement that, if so ordered, will allow the government to withdraw the Motion without prejudice. The defense has agreed to permit the government to review records it obtained from Florida's juvenile justice custodians (the Records) without permitting the government to take the Records into its possession, custody or control. The parties agree that allowing the government to review the Records in this manner will not constitute a waiver by Angel Almeida of any right or privilege not otherwise waived. The government agrees not to disseminate any notes that it takes from its review of the Records to the media and further agrees that said notes will be considered "fruits of the statement" within the meaning of Fed. R. Crim. P. 12.2(c)(4); this provision is understood to pertain solely to notes taken from the version of the Records that the defense will share pursuant to this agreement and will not be understood to preclude the government from renewing or making any motion in the future to independently obtain the Records and/or to use them without limitation so long as the defense is provided notice that the government will make said motion and permitted an adequate time to respond and object if it chooses.

The parties jointly respectfully request that the Court so-order this agreement; and if it does, the government will withdraw the Motion without prejudice. Thank you for your consideration.

Respectfully submitted,

/s/ Benjamin Silverman
Benjamin Silverman
Michael Vitaliano
Attorneys for Angel Almeida

cc: Counsel of record (by ECF)
Angel Almeida (by U.S. mail)